

1 Hon. Richard A. Jones
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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MIRA OWNERS ASSOCIATION,

10 Plaintiff

11 v.

12 JEFF LAWRENCE and JANE DOE
LAWRENCE, husband and wife, and
their marital community; et al.,

13 Defendants

14 NO. C10-0630-RAJ

15 JUDGMENT AND FORECLOSURE
16 DECREE

17 SUMMARY JUDGMENT AND FORECLOSURE DECREE

18 THIS MATTER having come on before the Court on Plaintiff's
Motion for Summary Judgment and Foreclosure Decree and United
States' Cross-Motion for Summary Judgment, and the Court having
considered the files, records and pleadings herein, including:

19 1. Plaintiff's Motion for Summary Judgment and Foreclosure
20 Decree;

21 2. Certified Declaration of Marcel Scheel in Support of
22 Plaintiff's Motion for Summary Judgment, and the
exhibits thereto;

23 3. Declaration of Inge A. Fordham in Support of Plaintiff's
24 Motion for Summary Judgment, and the exhibits thereto;

25 4. United States' Response to Plaintiff's Motion for
Summary Judgment;

26 5. Summary Judgment Response of Jeff Lawrence;

- 1 6. Plaintiff's Reply in Support of Motion for Summary
- 2 Judgment and Foreclosure Decree;
- 3 7. Supplemental Declaration of Inge A. Fordham in Support
- 4 of Plaintiff's Motion for Summary Judgment and
- 5 Foreclosure Decree, and the exhibits thereto;
- 6 8. United States' Cross-Motion for Summary Judgment;
- 7 9. Plaintiff's Opposition to United States' Cross-Motion
- 8 for Summary Judgment;
- 9 10. United States' Reply to Plaintiff's Opposition to Cross-
- 10 Motion for Summary Judgment;

11 It is now, therefore,

12 ORDERED, ADJUDGED and DECREED that plaintiff shall be awarded
13 an in personam judgment for post-petition and non-dischargeable
14 condominium assessments against defendants JEFF LAWRENCE and JANE
15 DOE LAWRENCE, husband and wife, and their marital community, and
16 against the real property described herein, in the amounts as
17 follows:

18 Principal Judgment Amounts
19 [including monthly assessments,
20 late charges and title report]:

\$ 7,280.18

21 Interest on balances
22 due (through 12/03/10):

\$ 1,301.18

23 Attorney Fees:

\$ 7,858.50

24 Costs:

\$ 677.58

25 Post judgment interest on the total judgment amount to accrue at
26 the rate of 12% per annum.

27 IT IS FURTHER ORDERED, ADJUDGED and DECREED that plaintiff
28 shall be awarded an in rem judgment against the real property
29 described herein in the amounts as follows:

30 In Rem Principal Judgment Amounts
31 [including monthly assessments,
32 late charges and title report]:

\$ 8,601.51

1 Interest to Date of Judgment (thru 12/03/10): \$ 1,599.71

2 Attorney Fees: \$ 7,974.00

3 Costs: \$ 677.58

4 Post judgment interest on the total judgment amount to accrue at
the rate of 12% per annum.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff's
6 lien upon the land and premises described as:

7 UNIT 305, BUILDING C, MIRA, A CONDOMINIUM, ACCORDING TO THE DECLARATION RECORDED
8 UNDER RECORDING NO. 20060308001550, AND ANY AMENDMENTS THERETO, AND SURVEY MAP
9 AND PLANS IN VOLUME 214 OF CONDOMINIUM PLATS, ON PAGE(S) 55 THROUGH 62, RECORDS
10 OF KING COUNTY, WASHINGTON; SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON;
11 ASSESSOR'S PROPERTY TAX PARCEL OR ACCOUNT NUMBER: 555400-0420-01;

12 (the "real property") be declared a valid lien exempt from
13 homestead protection under RCW 6.13.080, as security for the
14 payment of the plaintiff's judgment hereinabove set forth;

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event
16 of nonpayment of the judgment forthwith upon its entry, that
17 plaintiff's lien be foreclosed and that the property described
18 herein be sold at a foreclosure sale in the manner provided by
19 law, and the proceeds therefrom applied on said judgment and
20 accrued interest and such additional amounts as plaintiff may
21 advance for costs of sale, taxes, assessments, municipal charges,
22 and such other items as may constitute liens upon the property,
23 together with insurance and repairs necessary to prevent the
24 impairment of the security and together with interest thereon from
25 the date of payment;

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the period
of redemption shall be one year from the date of the Sheriff's or
Marshal's sale after which time the Sheriff or Marshal shall issue
the deed to the purchaser;

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff be
2 permitted to become a bidder and purchaser at the sale;

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if any
4 deficiency remains after application of the proceeds of the such
5 sale, execution may be issued for any such deficiency against
6 defendants JEFF LAWRENCE and JANE DOE LAWRENCE, husband and wife,
7 and their marital community, as to said defendants' in personam
8 post-petition liability, and enforced against any other property
of theirs not exempt from execution;

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the rights
10 of each of defendants JEFF LAWRENCE and JANE DOE LAWRENCE, husband
11 and wife, and their marital community, and persons claiming by,
12 through or under them, be adjudged inferior and subordinate to the
13 plaintiff's lien and be forever foreclosed except only for the
right of redemption allowed by law, if any;

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff is
15 the holder of a security interest under 26 USC §6323(a), a lien
upon the real property;

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff's
17 lien for delinquent condominium assessments is superior to the
18 United States' federal tax lien in the amount of \$683.87, which
19 was the amount owing as of January 16, 2009, the date the Notice
20 of Federal Tax Lien was recorded;

21 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff's
22 lien for delinquent condominium assessments is inferior to the
23 United States' federal tax lien for amounts owing after the Notice
of Federal Tax Lien was recorded;

24 IT IS FURTHER ORDERED, ADJUDGED and DECREED that a sale of
25 the real property conducted by a Sheriff or Marshall pursuant to

1 this foreclosure decree, if any, will eliminate and foreclose the
2 United States' federal tax lien provided the United States does not
3 payoff plaintiff's superior lien claim in the amount of \$683.87
4 prior to the sale;

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED pursuant to RCW
6 64.34.364(14) that plaintiff is awarded such costs, including
7 reasonable attorney fees, as may be incurred in collecting this
judgment;

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there being
9 no just reason for delay, the Clerk is expressly directed to enter
judgment forthwith.

10 Dated this 4th day of March, 2011.
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15 The Honorable Richard A. Jones
16 United States District Judge
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Presented by:

Date: 2/28/11

SUNDBERG & PODY LAW OFFICE, PLLC

18 /s/ Inge A. Fordham
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20 Inge A. Fordham, WSBA #38256
21 1215 Fourth Avenue, Suite 920
22 Seattle, WA 98161-1030
Attorney for plaintiff
ifordham@sundberglaw.com
(206) 230-0212
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24
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